

In re ) Fair Hearing No. 16,049  
 )  
Appeal of )

The petitioner appeals the decisions by the Department of Social Welfare terminating her eligibility for ANFC and Medicaid, and denying her application for Food Stamps. The issue is whether the petitioner has resources in excess of the maximums for the programs.

1. The petitioner received ANFC, Food Stamps, and Medicaid for herself, her husband, and their children. In June, 1999, the Department discovered that the petitioner had bank accounts totalling over \$4,200.

2. One account is a checking account, which as of July 21, 1999, had a balance of \$1,269. The other account is an IRA opened by the petitioner while she was working in 1996, and into which she continued to make contributions through 1997. The petitioner has not worked for the last two years. As of March 31, 1999, this account totalled \$2510.

3. The Department has determined that these accounts place the petitioner over resources for ANFC, Food Stamps, and Medicaid.<sup>1</sup>

<sup>1</sup>The petitioner's children continue to receive medical

4. The petitioner does not deny ownership of the above accounts, but she contends that the IRA should not be treated as a resource to her because it is set aside for her retirement, and she will incur a penalty if she withdraws from the account before retirement age.

ORDER

The Department's decisions is affirmed.

REASONS

The maximum allowable resources for ANFC are \$1,000 (WAM § 2261); for Food Stamps, \$2,000 (FSM § 273.8b); and for Medicaid, \$3,150 (P-2420C1). The regulations for all three programs specifically include the cash value of IRAs (less any applicable penalties for early withdrawal) under the definitions of countable resources. WAM § 2263.4 (ANFC), FSM § 273.8c(1) (Food Stamps), and MM § M231(1) (Medicaid). Inasmuch as the Department's decisions in these matters are in accord with the pertinent regulations, the Board is bound to affirm them. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

# # #

---

coverage through the Department's Dr. Dynasaur program. The petitioner has retained medical coverage under VHAP, which has more liberal income and resource standards.